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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,872	01/09/2004	Wei Wang	YA3-003	8677
38880	7590	07/25/2006	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,872

Applicant(s)

WANG ET AL.

Examiner

Viet Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Art Rejection:

1. The texts of 35 USC 102(b) and 103(a) not cited here can be found in the previous office action.

2. Claims 38, 40-44, 47, 51-52 and 58 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Speicher, U.S. pat. No. 6,243,375.

Per claims 38, 40, 51-52 and 58, Speicher discloses a method for accessing/generating a personal ad via a telephone communication link comprising:

- a) providing an application program interface, e.g., IVR, that enables access to the personal advertisement associated with a particular user (see col 6, lines 45-57);
- b) employing the application program interface to record and submit content, e.g., ad profile, (col 7, lines 1-28) and additional content, e.g., audio greeting, (col 7, lines 29-31) to a service provider for approval (see col 7, lines 32-38); and
- c) enabling at least one other user to access the additional content approved for association with the personal ad (see col 8, lines 1-9).

Per claims 41-44 and 47, Speicher also teaches providing audio guidance control for recording and the submitting at least a portion of the audio additional content over the telephone communication link (see col 7, lines 29-31).

3. Claims 38-40, 43-46 and 48-58 are rejected under 35 U.S.C. 103(a) as being clearly unpatentable over Speicher, and further in view of Liwerant et al, U.S. pat. Appl. Pub. No. 2002/0056123.

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Per claims 38-39, 43-44, 49, 51-53 and 57-58, Speicher discloses a method for creating and adding content to a personal ad comprising:

- a) providing a web browser that enables access to the personal ad associated with a particular user (see col 8, line 39 - col 9, line 52);
- b) employing an email interface to submit additional content, e.g., audio, image, video, etc., to a service provider for approval (see col 9, lines 20-27 and 10, lines 60-67); and
- c) enabling at least one other user to access the additional content approved for association with the personal ad (see col 9, lines 53-57).

Speicher does not explicitly teach using the web browser for performing email functions. The use of browser-based email interface is well known in the art as shown by Liwerant (see Liwerant in page 15, par. 154, 161).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize browser-based email interface in Speicher because it would have enabled using the same the same application interface (i.e., web browser) for submission of audio/video files to the ad servers (see Speicher in col 10, lines 60-67).

Per claim 40, it is noted that messages including emails would have been transmitted over any conventional communication link including telephone lines.

Per claims 45-46, Liwerant teaches embedding a player for the additional content wherein the player is displayed to enable playing back of the additional content (see page 15, par. 154).

Per claim 48, Speicher teaches providing a separate application interface for recording the additional content, e.g., video clip (see col 10, lines 60-65).

Per claim 49, Speicher teaches selecting recorded content, e.g., recorded video clip, for emailing (see col 10, lines 65-67).

Per claim 50, Speicher teaches notifying users of new ads (see col 9, lines 58-67).

It would have been obvious to one skilled in the art to recognize the use a message notification in Speicher in other events including the ad approval because it would have enabled promptly informing the user status of the ad.

Per claims 54-56, Liwerant's teachings encompass all claim limitations (see Liwerant in page 9, par. 77).

Response to Amendment:

4. Applicant's arguments filed on 6/2/06 with respect to claims 38-58 have been fully considered but are moot in view of new grounds of rejection set forth above.

Applicant asserts that Speicher does not disclose the claimed invention because Speicher teaches using different application interfaces for accessing the ads and submitting additional content.

The examiner disagrees. With respect to 102 rejection of claims 38, 40-44, 47, 51-52 and 58, Speicher discloses one embodiment in which the same application interface, i.e., telephone/IVR interface, is used to access/submit the personal ad (e.g., ad profile) and additional content (e.g., optional audio greeting). Here data such as

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audio greeting is considered as the claimed additional content. With respect to 103 rejection of claims 38-40, 43-46 and 48-58, Speicher discloses a second embodiment in which the web browser is used to access the personal ad. Speicher also teaches using emails to submit pre-recorded additional contents. While Speicher does not disclose using the web browser for emailing, the use of browser-based email is seen well known in the art as shown by Liwerant above. Moreover, such use of browser-based email in Speicher would not have changed Speicher invention because it is seen that any conventional email application interface could have been used in Speicher for performing the email functions.

Applicant also asserts that Speicher fails to teach using the same application interface to record the additional content.

The examiner is however unable to find the alleged limitation in claims 38-40, 43-46 and 48-58.

Conclusion:

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Viet D. Vu', with a stylized, cursive script.

VIET D. VU
PRIMARY EXAMINER

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7/21/06